

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Notice of Intended Action

**Proposing rule making related to physician assistants
and providing an opportunity for public comment**

The Administrative Services Department hereby proposes to amend Chapter 63, "Leave," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 8A.104, 8A.413, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.77 as enacted by 2022 Iowa Acts, House File 803, section 51.

Purpose and Summary

2022 Iowa Acts, House File 803, pertains to duties performed by physician assistants. 2022 Iowa Acts, House File 803, section 51, directs that the Department shall provide the same power, privilege, right, or duty by rule to a physician assistant licensed under Iowa Code chapter 148C as a physician licensed under Iowa Code chapter 148. These proposed amendments comport with 2022 Iowa Acts, House File 803.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 3, 2023. Comments should be directed to:

Tami Wiencek
Department of Administrative Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Phone: 515.725.2017
Fax: 515.281.6140
Email: tami.wiencek@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **63.2(2)“h”** as follows:

h. In the event of an illness or disability while on vacation, that portion of the vacation spent under the care of a physician or physician assistant shall be switched retroactively to and charged against the employee’s accrued sick leave upon satisfactory proof from the physician or physician assistant of the illness or disability and its duration.

ITEM 2. Amend subrule **63.19(1)**, definition of “Catastrophic illness,” as follows:

“*Catastrophic illness*” means a physical or mental illness or injury of the employee, as certified by a licensed physician or physician assistant, that will result in the inability of the employee to work for more than 30 workdays on a consecutive or intermittent basis; or that will result in the inability of the employee to report to work for more than 30 workdays due to the need to attend to an immediate family member on a consecutive or intermittent basis.

ITEM 3. Amend subrule 63.19(4) as follows:

63.19(4) Certification requirements. The employee shall submit an application for donated leave on forms developed by the department. Appointing authorities may, at their department’s expense, seek second medical opinions or updates from physicians or physician assistants regarding the status of an employee’s or employee’s immediate family member’s illness or injury. If the employee is receiving FMLA leave, a second opinion must be obtained from a physician or physician assistant who is not regularly employed by the state.